

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
NORTHERN DIVISION**

**JAMES E. STEVENSON III and  
SHARYN STEVENSON**

**PLAINTIFFS**

**v.**

**No. 3:19-cv-208-DPM**

**RONALD CAPPS, JR.**

**DEFENDANT**

**ORDER**

The parties tried this case to the bench on 14-15 September 2020 in Jonesboro. Without objection, the James E. Stevenson Family Trust was dismissed as a plaintiff because it no longer exists and therefore has no interest in the property. All parties accepted the Court's September 2019 ruling about preliminary injunctive relief. All of the Stevensons' claims inconsistent with that ruling, and Capps's related counterclaim, were dismissed without prejudice. After the Stevensons rested, the Court granted Capps's motion for judgment as a matter of law on their timber-cutting trespass claims. At the conclusion of all the evidence, and after hearing argument, for the reasons stated from the bench the Court ruled that the slivers are in Arkansas and that Mr. and Mrs. Stevenson own them, as well as all of Musgrave Bar. The Court also concluded that it has personal jurisdiction over Capps in this dispute. The Court will withhold entering judgment on the Stevensons' quiet title claim, as well as their claims for declaratory and permanent

injunctive relief, pending receipt of a concise legal description of the entire island. Capps retains the right to enter to remove his blinds. He must do so within a reasonable time after the Mississippi River rises high enough for him to float them out. The Stevensons agreed that the blinds could stay in the meantime. Legal description, and joint proposal with particulars about removing the blinds, due as soon as practicable, and no later than 16 October 2020.

So Ordered.

*D.P. Marshall Jr.*

D.P. Marshall Jr.  
United States District Judge

*22 September 2020*